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JUN 21 2007

In re Application of  
Itakura, et al.  
Application No. 10/796,826  
Filed: March 9, 2004  
Atty. Dkt. No.: JCLA21100

## OFFICE OF PETITIONS

: DECISION ON PETITION  
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This decision is in response to the petition renewed under 37 CFR 1.137(b), filed April 30, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned October 18, 2006 for failure to timely submit a proper reply to the non-final Office action mailed July 17, 2006. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed February 5, 2007.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition fails to satisfy requirement (2) set forth above in that the petition fee has not been received. While the petition references the petition fee, no fee was received. Any renewed petition must be accompanied by the required petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Petition**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions